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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/808,533	03/14/2001	Steve Pellegrin	07844-445001 / P409	3807
21876	7590	04/02/2003	EXAMINER	
FISH & RICHARDSON P.C. 500 ARGUELLO STREET SUITE 500 REDWOOD CITY, CA 94063			FILIPCZYK, MARCIN R	
		ART UNIT	PAPER NUMBER	
		2171	8	
DATE MAILED: 04/02/2003				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/808,533	PELLEGRIN ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Marc R Filipczyk	2171	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_ MONTH(S) FROM  
 THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

- 1) Responsive to communication(s) filed on 14 March 2001.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

- 4) Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_ is/are allowed.
- 6) Claim(s) 1-18 is/are rejected.
- 7) Claim(s) \_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 01 March 2002 is/are: a) accepted or b) objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_ is: a) approved b) disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### **Priority under 35 U.S.C. §§ 119 and 120**

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### **Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_

## **DETAILED ACTION**

This Action is in response to application filed on March 14, 2001 in which claims 1-18 are presented for examination. The IDS filed on July 23, 2001 has been noted. Formal drawings received on March 1, 2002 are in compliance and change of address filed on November 15, 2002 has been entered.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, line 8, “current format indicator” is indefinite. What version or object is being identified? The term “schema” is indefinite. Is it a substitute for a first representation of a persistent object? Lines 9-13 are indefinite and inconsistent. The representations and schemas are inconsistent together, and the references used are indefinite. Line 14, recreating the persistent object with “the second representation” is indefinite.

Regarding claims 5, 6, 15 and 16, how do the conversion engines convert formats without the use of schema?

Regarding claims 7, 11, 17 and 18 contain same subject matter as claim one and therefore are rejected on the same ground.

Regarding claim 10, the phrase “hybrid” is indefinite. What is a single hybrid conversion?

Regarding claims 2-6, 8-10 and 12-16 are dependent from claims 1, 7 and 11 respectively and therefore contain the deficiencies of those claims.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 7-9, 11-14, 17 and 18 are rejected as best as the Examiner is able to ascertain under 35 U.S.C. 103(a) as being unpatentable over Applicant Admitted Prior Art (AAPA) in view of Guck (U.S. Patent No. 5,911,776).

Regarding claims 1-4, 7-9, 11-14, 17 and 18, AAPA discloses a computer program: (page 1, line 16; *conversion procedures*, AAPA)

identify persistent objects and a format indicator (page 1, line 16, AAPA);

(Note: format number is a format indicator)

identify a current format indicator (page 1, lines 18 and 19, AAPA);

(Note: while opening and comparing formats the identifying of a current format takes place)

converter (engine) to recreate the persistent object (page 1, lines 22 and 23)

(Note: any modifications to the persistent object reformat therefore recreate the object).

Hence as mentioned above, AAPA teaches comparing versions (format numbers) of the plug-in or programs and generating a persistent object (data) by executing the conversion

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procedure to modify the old object (page 1, lines 16-24, AAPA) but does not expressly teach that the conversion engine uses schemas of the objects.

However, Guck discloses an automatic format conversion system for multi user network (title, Guck) where schemas in relation with objects are used on the server in reference to client software (figure 1, items 10, 30, 50 and 54-56). Hence, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified the AAPA system in view of Guck by utilizing the schemas of an object to convert data into the same data format type (fig. 4, block k, Guck). One of ordinary skill in the art would have been motivated to utilize the schemas of an object so that the different applications used by the server and clients would use compatible formats converted on the server platform.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc R Filipczyk whose telephone number is 703-305-7156. The examiner can normally be reached on Mon-Fri, 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 703-308-1436. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

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March 27, 2003



SAFET METJAHIC  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100